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OGC Has Reviewed

27 January 1954

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MEMORANDUM FOR: Director of Security

SUBJECT: Proposed [REDACTED], Control of Personnel Security Files

1. The Chief of the Regulations Control Staff has forwarded to us your memorandum dated, 8 January 1954 in which you express the belief that the White House memorandum dated 13 March 1948, quoted in [REDACTED] is still in effect. We have been requested to render an opinion on this subject.

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2. The White House memorandum of 13 March 1948, which is quoted in [REDACTED] states that the efficient administration of the Employee Loyalty Program under Executive Order 9835 requires that reports, records and files relative to the program be preserved in strict confidence. The memorandum directs that these files shall be maintained in confidence and that any subpoena or demand or request for information received from sources other than those persons in the executive branch of the Government who are entitled to the information by reason of their official duties, shall be respectfully declined and referred to the office of the President for such response as the President may determine to be in the public interest in the particular case.

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3. It has been our opinion that this directive by the President is still in effect, notwithstanding the fact that Executive Order 9835 has now been replaced by Executive Order 10450. To confirm our opinion we have discussed the matter with Mr. Pollock of the Justice Department, the official charged by that Department with responsibility for advising executive departments in the administration of Executive Order 10450. Mr. Pollock has informed us that the White House memorandum and the directive contained therein are still in effect and to the best of his knowledge will not be rescinded in the foreseeable future, although certain modifications are planned. For these reasons we are of the opinion that [REDACTED] may continue in its present form until these modifications have been published.

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18 January 1954

MEMORANDUM FOR: General Counsel

ATTENTION: Mr. Walter Pforzheimer

SUBJECT: Proposed [REDACTED] Control of Personnel
Security Files

REFERENCE: (1) Memorandum for the Director of Security from
SA/DD/A dated 11 December 1953, subject as above.
(2) Memorandum from the Director of Security to the
Special Assistant to the DD/A dated 8 January 1954,
subject as above.

1. Reference (1) provides a summarization of the chronological processing of the subject Regulation and recommends that the Director of Security assume responsibility for the preparation of an Agency Regulation setting forth internal policies and procedures for the internal protection of personnel security files.

2. The Director of Security has replied (Reference 2) recommending that a formal opinion of the General Counsel be requested with regard to the current applicability of the Presidential Memorandum dated 13 March 1948 signed by former President Truman. The Director of Security expresses the opinion that revocation of Executive Order No. 9835 by Executive Order No. 10450 does not necessarily rescind the Presidential Memorandum which merely makes reference to Executive Order No. 9835.

3. It is requested that you reply to the inquiry regarding the continued applicability of the Presidential Memorandum by formal opinion to the Director of Security. We would appreciate it if you would provide us with a copy of this opinion in order that we may maintain a complete record of the subject Regulation.

4. The proposed [REDACTED] is a direct quotation of [REDACTED] with changes only in the number of the Regulation and the title of the Director of Security.

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Chief, Regulations Control Staff

Attachments

Memo to Director of Security
dated 11 December 1953, and
Memo from Director of Security
dated 8 January 1954

RCS/RHW:nda

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Security Information

11 December 1953

MEMORANDUM FOR: The Director of Security 25X1A

SUBJECT: Proposed [REDACTED]
CONTROL OF PERSONNEL SECURITY FILES

In Reply, Refer to: File 309, RMW

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1. On 5 June 1953, we received from you a proposed [REDACTED] "Control of Personnel Security Files." This Regulation was circulated on 11 June 1953 for coordination under the number [REDACTED]. The Office of the General Counsel (Walter Pforzheimer) submitted the comments on 2 July 1953 that:

"Executive Order 9835 has been revoked by Executive Order 10450. Therefore, there appears to be no reason to reissue this. It is obsolete."

2. On 8 July 1953, we disseminated the following memorandum to all coordinating officials:

"1. Subject Regulation, previously disseminated for coordination, will not be published since the Executive Order to which it refers has been rescinded by Executive Order 10450.

2. The General Counsel advises that a new directive on the control of personnel security files is being drafted by the Department of Justice. When this directive is issued, an appropriate Agency Regulation will be prepared."

3. We are currently advised by the General Counsel that the Department of Justice has not issued such a directive, and there probably will be no such directive for an indefinite period of time if at all. Inasmuch as the internal policies and procedures of the Central Intelligence Agency for the protection of personnel security files would at least equal and probably exceed any standards set forth in a Department of Justice directive, it is suggested that it might be desirable to draft an adequate Agency Regulation without waiting for the issuance of a directive by the Department of Justice. Such a Regulation would at least meet the interim needs of CIA and, at the most, would probably require only nominal revision upon issuance of a new directive.

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Security Information

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SUBJ:

Proposed

CONTROL OF PERSONNEL SECURITY FILES

4. Will you notify us of the action you propose to take in this regard by 23 December 1953.

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Special Assistant to the
Deputy Director (Admin.)

SA/ISA (RM) (11 December 1953)

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Office Memorandum • UNITED STATES GOVERNMENT

TO : Special Assistant to the DD/A

DATE: JAN 8 1954

FROM : Director of Security

SUBJECT: Proposed 25X1A [REDACTED] - Control of Personnel Security
Files (Rescission of [REDACTED] 25X1A

Reference: SADD/A Memo to Director of Security dated 11 December 1953, same subject

1. In reply to referenced memorandum, the views of the Security Office are as follows, however, it is felt that this matter should be formally brought to the attention of the Office of General Counsel.

25X1A 2. Although Executive Order No. 9835 has been revoked by Executive Order No. 10450, the application of the provisions of White House Memorandum dated 13 March 1948, as quoted in [REDACTED] are still in effect until specifically revoked by the present Administration.

3. Executive Order No. 10450 still contains the requirement of 9835, that the reports and records of security and loyalty investigations be maintained in confidence. The Executive Memorandum of 1948 merely makes reference to Order 9835 and then sets up definite procedural requirements with regard to safeguarding these files.

25X1A 4. Current news reports indicate that Congressional Committees are still limited by this Executive Memorandum, and in addition thereto, that the Administration is presently working on a proposed Executive Order to cover this subject. Until this order is published, it is felt that the present Regulation No. [REDACTED] is adequate for the time being.

25X1A [REDACTED]

SO/JK:jr

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